SLIRLJ 6.6.1

CERTIFICATION OF SCALES USED IN THE MEASURMENT OF WEIGHT FOR COMMERCIAL MOTOR VEHICLES

(a) IN GENERAL. This rule applies only to contested hearings in traffic infraction cases.

(b) SCALE CERTIFICATION. Evidence given under oath (including testimony given in person or the written report of an officer as provided in IRLJ 3.3) of the results of a measurement of the weight of any commercial motor vehicle or portion thereof shall be admissible without additional foundation. A sworn statement setting forth the results of any inspection, test and/or certification of any scale used primarily for the purpose of measuring the weights of commercial motor vehicles shall likewise be admissible in evidence without additional foundation, and shall not be subject to objection on grounds of hearsay, provided that such document is maintained in a manner consistent with subsection (d) of this rule. Any party may present evidence supporting or attacking the result of any such measurement of weight or the inspection, test and/or certification of any such scale.

(c) [Reserved]

(d) MAINTAINING CERTIFICATES AS PUBLIC RECORDS. Any document of inspection, test and/or certification of any State scale as set forth in subsection (b) of this rule may be filed with the court and maintained by the court as a public record. The documents will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The documents are available without a formal request for discovery. In the alternative, or in addition, such documents may be maintained on a web site established for that purpose by the Washington State Patrol. The court is entitled to take judicial notice of the fact that the document has been filed with the court or maintained on the web site. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document.

[Adopted effective September 1, 2008]